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19 IN THE UNITED STATES DISTRICT COURT
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21 FOR THE NORTHERN DISTRICT OF CALIFORNIA
22
23 SAN FRANCISCO DIVISION

24
25 **KUN SHAN PENG,**

26 Petitioner,

27 v.

28 **JAMES TILTON, Director of the California
29 Department of Corrections; BEN CURRY,
30 Warden,**

31 Respondent.

32 C 07-4797 MMC (PR)

33 **DECLARATION OF COUNSEL IN
34 SUPPORT OF APPLICATION FOR
35 EXTENSION OF TIME TO FILE
36 RESPONSE**

37 I, Arthur P. Beever, declare under penalty of perjury as follows:

38 1. I am a Deputy Attorney General for the State of California and am assigned to
39 represent respondent in this habeas corpus case.

40 2. On April 10, 2008, this Court issued an Order to Show Cause why the petition for a
41 writ of habeas corpus should not be granted. The California Attorney General's Office in San
42 Francisco docketed the order on April 18, 2008. I have received one prior extension of time for a
43 total of 60 days.

44 3. I have reviewed the petition and obtained copies of portions of the state court record.
45 However, I am presently unable to begin working on this case because I am preparing the response

1 in *Smith v. Runnels* (C 05-3822). In the past 60 days, I filed Answers in the previously assigned
2 cases of *Lowe v. Walker* (C 08-005), *Nawabi v. Hartely* (C 08-1258), and *Washington v. Adams* (C
3 06-4802). After I complete the Answer in *Smith v. Runnels*, I must prepare the respondent's brief
4 in *Gaines v. Scribner* (9th Cir. No. 07-17279). After I have completed those cases, will devote
5 substantially all of my time to working on this case.

6 4. I have not attempted to contact petitioner because he is an incarcerated state prisoner
7 who is representing himself in this case.

8 5. Accordingly, I respectfully request that this Court grant an extension of time to and
9 including November 6, 2008, in which to file a response to the order to show cause.

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Dated: September 8, 2008

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Respectfully submitted,

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EDMUND G. BROWN JR.
Attorney General of the State of California

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DANE R. GILLETTE
Chief Assistant Attorney General

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/s/ Arthur P. Beever _____
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